

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 MARCUS D. BRICENO,

12 Plaintiff,

13 v.

14 BLAKE WILLIAMS SAN DIEGO
15 POLICE OFFICER; CHRIS
16 CUMMINGS, SAN DIEGO POLICE
OFFICER,

17 Defendants.
18

Case No.: 3:16-cv-01665-JAH-AGS

**ORDER ADOPTING THE REPORT
AND RECOMMENDATION AND
DISMISSING CASE IN ITS
ENTIRETY**

19 On August 22, 2022, Defendant Officer Blake Williams (“Defendant”) filed an Ex
20 Parte Motion to Vacate the Deadline for the Parties to Submit a Proposed Trial Schedule
21 and to Set a Status Conference. (ECF No. 123). Defendant’s motion states that although
22 Plaintiff has been released from custody, he has absconded from probation and Defendant
23 has otherwise been unable to contact Plaintiff. (*Id.*) Magistrate Judge Andrew G. Schloper
24 granted Defendant’s motion and set a telephonic status conference. (ECF No. 124).
25 Plaintiff did not appear for the status conference, and to date, has not updated his mailing
26 address. *See* CivLR 83.11.b (“If mail directed to a pro se plaintiff by the clerk at the
27 plaintiff’s last designated address is returned by the Post Office, and if such plaintiff fails
28 to notify the court and the opposing parties within 60 days thereafter of the plaintiff’s

1 current address, the court may dismiss the action without prejudice for failure to
2 prosecute.”). On October 3, 2022, the magistrate judge submitted a Report and
3 Recommendation recommending that this case be dismissed for failure to prosecute.
4 Defendant filed a Notice of Non-Opposition. (ECF No. 127).

5 Accordingly, the Court ADOPTS the Report and Recommendation and dismisses
6 the above-captioned in its entirety case without prejudice for a failure to prosecute.

7 **IT IS SO ORDERED.**

8
9 DATED: October 20, 2022

10
11 

12 JOHN A. HOUSTON
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28